

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 3, 2002

D039648 In re Irais T. et al., Juveniles

The petition for rehearing is denied.

D039601 Panther v. Park et al.

D039633 Panther v. Superior Court of the County of San Diego/Park et al.

The petition for rehearing is denied.

**D040523 Elvira A. v. Superior Court of the County of San Diego/San Diego County Health
and Human Services Agency**

The attorney for petitioner Elvira A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D040253 Vista Hill Foundation v. San Diego Unified School District

Pursuant to California Rules of Court Rule 8, the appeal filed May 24, 2002, is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 4, 2002

D038746 People v. Willson

The conviction is reversed. The matter remanded for retrial. Huffman, Acting P.J.;
We Concur: McDonald, J., O'Rourke, J.

D038509 In re J.D.L., a Juvenile

We reverse the order sustaining the petition under Welfare and Institutions Code section 602 to the extent it makes a true finding that J.D.L. violated Penal Code section 12020, subdivision (a) and remand the matter to the juvenile court to modify the record to strike the true finding under Penal Code section 12020, subdivision (a) and strike the four months added to his maximum term of confinement for violating this section, thereby reducing the maximum term to five years. We affirm the order in all other respects. We also direct the juvenile court to correct the order committing J.D.L. to the California Youth Authority to strike the reference to his having violated section 12022, subdivision (a). The order is affirmed as corrected. McIntyre, J.; We Concur: Kremer, P.J., Benke, J.

D040008 In re Anthony J., a Juvenile

Appellant has failed to file an opening brief, and has failed to respond to this Court's letter regarding dismissal of the appeal. The appeal is dismissed as abandoned.

D039515 In re L.Y.L., a Juvenile

The judgment is affirmed. CERTIFIED FOR PUBLICATION. McDonald, J.;
We Concur:
Huffman, Acting P.J., O'Rourke, J.

D040647 Javier v. Joramo et al.

The appellant having failed to timely pay the filing fee, the appeal is dismissed.

D036690 People v. Bordeleau

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D040724 Metabolife International, Inc., v. Superior Court of the County of San Diego/Livsey
et al.**

The petition is denied.

D040728 Darnell v. Superior Court of San Diego County/People

The petition is denied.

D040598 Baviache v. Consolidated Process Machinery, Inc.

Defendant Consolidated Process Machinery, Inc.'s appeal from the judgment entered on January 28, 2002 and prejudgment orders regarding plaintiff's request for entry of default is dismissed as untimely. Defendant Consolidated Process Machinery, Inc.'s appeal from the June 4, 2002 order denying its motion for relief from default judgment is timely and may proceed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 4, 2002 (Continued)

D040603 Dalton v. Superior Court of San Diego County/Edenbaum
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 5, 2002

D040654 Dye v. Superior Court of San Diego County/People
The petition is denied.

D039874 In re M.M. et al., Juveniles
The orders are affirmed. O'Rourke, J.; We Concur: Huffman, J., McConnell, J.

D039743 In re K. D. a Juvenile
Judge affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McConnell, J.

D040727 In re Brianna W. a Juvenile
The notice of appeal purports to appeal from the August 26, 2002 order or judgment. However, there was no hearing in this case on that date. If appellant intended to appeal from the judgment of August 28, 2001, the notice of appeal is late; if appellant intended to appeal from the order of August 22, 2002 she is no longer a party and does not have standing to appeal. The case is dismissed.

D033214 People v. Terrones
The petition for rehearing is denied.

D038874 People v. Vasquez
The judgment is reversed. Kremer, P.J.; I Concur: McDonald, J., I Concur in Result Benke, J.

D040102 N.W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The request for publication of the opinion is denied.

D039344 People v. Ferguson
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 6, 2002

D039141 Adoption of Jonathan W., a Minor

The order is affirmed. Costs are awarded to respondents. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D039493 People v. Rawlins

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D038645 Stone v. Wilcox

Judgment affirmed. Stone to bear Dr. Wilcox's costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., McConnell, J.

D038943 People v. Sanabria

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D037140 People v. Depass

The judgment is reversed, and the trial court directed to enter a new order with respect to the motion to suppress directing suppression of evidence obtained from the search of the black cylinder, but denying the motion otherwise, following which the court shall undertake such further proceedings as may be appropriate. Huffman, Acting P.J.; I Concur: Haller, J.; I Dissent: McDonald, J.

D039470 People v. Arias

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D039237 People v. Campos

Judgment affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McConnell, J.

D040673 Ray F. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lashurn P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D038387 Diehl v. Sim J. Harris Company et al.

D038494 Sim J. Harris Company et al. v. Superior Court of San Diego County/Diehl

The pending petition for writ of mandate is consolidated with the pending appeal for oral argument and disposition.

D038385 People v. Gentry

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McConnell, J.

D038803 Nairne v. Marilyn Jessop-Humblet as Trustee, etc.

The opinion filed August 14, 2002, is ordered certified for publication. The petition for rehearing is denied.